

**State of California  
Division of Workers' Compensation**

***13<sup>th</sup> Annual Educational Conference***

Los Angeles, CA  
March 1~2, 2006

Oakland, CA  
March 6~7, 2006



*In Association with the International Workers' Compensation Foundation,  
a non-profit corporation dedicated to workers' compensation research and education.*

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*Serving The People Of California Since 1911*

# DWC 13<sup>th</sup> Annual Educational Conference

Day 1

March 1, 2006 Los Angeles  
March 6, 2006 Oakland

10:00 a.m. to 12:30 p.m.

Registration

12:30 p.m. to 1:00 p.m.

Welcoming/Opening presentation

1:00 p.m. to 4:30 p.m.

Breakout Sessions  
(See Day 1 Grid)

4:30 p.m. to 6:00 p.m.

Reception - No Host Bar

**This conference is held in cooperation with the  
International Workers' Compensation Foundation, Inc.  
(A non-profit organization)**



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Day 2

March 2, 2006 Los Angeles

March 7, 2006 Oakland

7:30 a.m. to 8:30 a.m.

Continental Breakfast

8:30 a.m. to 12:00 p.m.

Breakout Sessions  
(See Day 2 Grid)

12:00 p.m. to 1:30 p.m.

Lunch and Keynote Presentation

1:45 p.m. to 4:00 p.m.

Breakout Sessions  
(See Day 2 Grid)

*Continuing Education Unit (CEU) Credits are  
available at the registration counter.*



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DWC 13th Annual Aduational Conference  
Los Angeles Sheraton March 1-2, 2006  
Oakland Marriott March 6-7, 2006

Day 1	Breakout Session I	Breakout Session II	Breakout Session III	Breakout Session IV	Breakout Session V
12:30 to 1:00 PM	Welcoming/opening presentation <i>Carrie Nevans</i>	Welcoming/opening presentation <i>Carrie Nevans</i>	Welcoming/opening presentation <i>Carrie Nevans</i>	Welcoming/opening presentation <i>Carrie Nevans</i>	Welcoming/opening presentation <i>Carrie Nevans</i>
1:00 to 2:00 PM	DMEC RTW Panel <i>Kaleta, Huntsinger, Lightholder &amp; Stevens</i>	QME Panel and SSSOP Update <i>Honor, Coulter, and Fisher</i>	WCAB En Banc and Significant Decisions <i>Miller, Caplane, etc</i>	PDRS Trends/Pitfalls/Surprises <i>Megowan, Snaer, Patterson, Faina</i>	Audit/Investigation Procd. LC 4610, 5814, 5814.6 UR, <i>Unreasonable delay &amp; workshops</i>
2:15 to 3:15 PM	MPNs, UR, UR Penalties, and Treatment Guidelines <i>Dervin, Searcy, Marria</i>	Fee Schedules <i>Honor</i>	Case Law Update <i>Cohen &amp; Kutz</i>	Advanced PD Issues Megowan	Audit Unit: Benefit Notice Regulations and Notice Penal. <i>Walensa, King, Lee, Robbins, Wood</i>
3:30 to 4:30 PM	MPNs, UR, UR Penalties, & Treatment Guides (cont) <i>Dervin, Searcy, Marria</i>	RTW and SJDP <i>Byrd, Cortes, and Overpeck</i>	Case Law Update (Cont) <i>Cohen &amp; Kutz</i>	Apportionment <i>Mark Kahn</i>	Audit Penalty Regulations for LC 129/129.5, WCIS, SJDP,

Day 2	Breakout Session I	Breakout Session II	Breakout Session III	Breakout Session IV	Breakout Session V
8:30 to 9:30 AM	Fee Schedules <i>Honor</i>	MPNs, UR, UR Penalties & Treatment Guidelines <i>Dervin, Searcy, Marria</i>	Case Law Update <i>Cohen &amp; Kutz</i>	LC 138.65 Bickmore Study <i>Greg Trout</i>	
9:45 to 10:45 AM	RTW and SJDP <i>Byrd, Cortes, and Overpeck</i>	MPNs, UR, UR Penalties & Treatment Guidelines (cont) <i>Dervin, Searcy, Marria</i>	Case Law Update (cont) <i>Cohen &amp; Kutz</i>	Current DWC Research <i>Kahley, Dasinger and Shor</i>	
11:00 to 12:00 AM	DMEC RTW Panel <i>Kaleta, Huntsinger Lightholder &amp; Stevens</i>	QME Panels and SSSOP Update <i>Honor, Coulter, and Fisher</i>	WCAB En Banc and Significant Decisions <i>Miller, Caplane, etc</i>	State of Insurance Market <i>Shor, Neary, Hauge, Barker</i>	Audit/Investigation Procd. LC 4610, 5814, 5814.6, UR <i>Unreasonable delay &amp; workshops</i>
12:00 to 1:30 PM	LUNCH Keynote Speaker <i>Judge Dana LaMon</i>	LUNCH Keynote Speaker <i>Judge Dana LaMon</i>	LUNCH Keynote Speaker <i>Judge Dana LaMon</i>	LUNCH Keynote Speaker <i>Judge Dana LaMon</i>	LUNCH Keynote Speaker <i>Judge Dana LaMon</i>
1:45 to 2:45 PM	PDRS Trends/Pitfalls/Surprises <i>Megowan, Snaer, Patterson, Faina</i>	WCIS Medical Data Collection <i>Kahley and Henderson</i>	Apportionment <i>Mark Kahn</i>	Audit Unit: Benefit Notice Regulations and Notice Penal. <i>Walensa, King, Lee, Robbins, Wood</i>	
3:00 to 4:00 PM	Advanced PD Issues <i>Megowan</i>	Electronic Billing <i>Honor</i>	WC Adjuster Cert.Update <i>Citko</i>	Audit Penalty Regulations for LC 129/129.5, WCIS, SJDP,	

## KEYNOTE LUNCHEON SPEAKER



### ***Dana LaMon***

**Dana LaMon**, a blind African-American judge, has been providing professional speaking services since 1991. He earned the title of World Champion of Public Speaking from Toastmasters International in 1992. He has spoken to audiences from southeast Asia to South Africa, including 28 states of the U.S. He established his company Image Worth in 1991. A look at his qualifications and background will reveal why he is successful at motivating his listeners.

#### **Speaking Experience**

- Speaking professionally since 1991
- Motivating more than 75,000 people toward meaningful living
- Serving corporations, professional associations, government entities, colleges and universities, and religious groups
- Presenting topics for performance excellence, personal enrichment, and business development

#### **Background Experience**

- Administrative Law Judge for the California Department of Social Services since 1981
- Member of the California State Bar since 1978
- 1977 graduate of the University of Southern California Law Center
- 1974 graduate of Yale University, B.A. in math

## Breakout Sessions

<b>Advanced PD Issues</b>	This breakout session will focus on advanced PD issues with particular attention on rating the spine.
<b>Apportionment</b>	This session will discuss the new apportionment law including effective dates, apportionment to causation, prior awards for PD, accumulation of PD, and overlapping disabilities. Case citations will be provided.
<b>Audit Unit Session I</b>	This session will focus on audit or investigation procedures – post SB 899 for LC 129 and 129.5. PAR/FCA audits, utilization review, violations of LC 5814 for unreasonable delays, and audit workshops will also be discussed.
<b>Audit Unit Session II</b>	This session will concentrate on California Code of Regulations 9810 to 9814 otherwise known as the benefit notice regulations and notice penalties.
<b>Audit Unit Session III</b>	This session will discuss penalty regulations for LC 129 and 129.5, PAR/FCA audits including Workers Compensation Information System and Supplement Job Displacement Benefit, UR, unreasonable delays, and civil penalties.
<b>Case Law Update</b>	This session will review precedent setting case decisions issued in 2005. Many of the approximately thirty-six Supreme Court, published Court of Appeal and <i>en banc</i> or significant Workers' Compensation Appeals Board cases which will be discussed deal with interpretation and implementation of the workers' compensation reforms which took effect in 2003 and 2004. These cases include determinations both in situations where the decisions appear to resolve uncertainties about the new legislation, and situations in which the appellate proceedings are not final or do not clearly resolve the issues.
<b>Current DWC Research</b>	Hear more about DWC's research initiatives including medical access, WCIS reporting items, and how WCIS data can be used for various information and research purposes.
<b>DMEC RTW Panel</b>	A Disability Management Employer Coalition panel will provide an overview of return to work programs and give strategies and methods for developing programs focusing on the experiences and outcomes achieved by employers.
<b>Electronic Billing</b>	This session will discuss the status of the Standardized Billing and Electronic Billing regulations currently being developed by the Division of Workers' Compensation to fulfill the requirements of Labor Code 4603.4. Topics will include what constitutes a "clean claim" for the submission of a medical bill, required forms, types of coding to be used, time frames for bill submission/payment, new reporting formats and other related items.
<b>Fee Schedules</b>	This session is a broad examination of payment issues and changes to the OMFS, medical-legal fee schedule, and in-patient fee schedules. There will time to for a question and answer session.

*Division of Workers' Compensation*

## Breakout Sessions

<b>Labor Code 138.65 Study</b>	Bickmore Risk Services was commissioned by DWC to study the legislative reforms of 2003 (SB 228 and AB 227) and 2004 (SB 899) and the effects on workers' compensation insurance rates. The study was to identify and quantify savings generated by the series of reforms. Hear more about this study from the principal and Chief Operating Officer of Bickmore Risk Services.
<b>Medical Provider Networks, Utilization Review, UR Penalties, and Treatment Guidelines</b>	This two-hour session will discuss the regulations, issues, notification, and processes of Medical Provider Networks. Independent medical review within an MPN, utilization review including UR penalties, and medical treatment guidelines will also be discussed.
<b>PDRS Trends, Pitfalls, Surprises</b>	The Disability Evaluation Unit discusses some of its major experiences with the new PDRS, including a discussion of future earning capacity, that became effective on January 1, 2005.
<b>QME Panel and SSSOP</b>	The QME process was changed by SB 899. Under certain conditions, claims administrators and represented claimants may request a panel. Learn more about the DWC Medical Unit's experiences with this new system. Also learn more about the procedures to request a spinal surgery second opinion.
<b>RTW and SJDP</b>	This panel will discuss vocational rehabilitation and the supplemental job displacement benefit, but concentrate on the SJDP including the new regulations, forms, and procedures.
<b>State of Insurance Market</b>	Learn more about the implications from the major workers' compensation reforms of 2003 and 2004 from the perspective of the Department of Insurance, an insurance carrier, and a broker. This panel will discuss the impact of SB 899 on insurance costs and rates.
<b>WC Adjuster Certification Update</b>	The Department of Insurance will update participants regarding the requirements for Workers' Compensation Claims Adjuster Training and Certification that are effective February 22, 2006. This will include the training or experience requirements for claims adjusters, medical-only claims adjusters, or medical bill reviewers to be able to receive a designation from an insurer to handle workers' compensation claims. Insurers, which include insurance companies, self-insured employers, and third-party administrators, will also learn how to comply with certification requirements to the Insurance Commissioner and maintain the required documentation.
<b>WCAB En Banc and Significant Decisions</b>	This session will feature the chairman and commissioners from the WCAB in San Francisco who will provide a summary of important workers' compensation cases with an emphasis on cases that have helped interpret the provisions of Senate Bill 899.
<b>WCIS Medical Data Collection</b>	WCIS Medical Data Collection: This session will discuss the Division of Workers' Compensation medical data collection initiative – what will be collected, when, how, etc – that will be implemented beginning with the third quarter 2006.

*Division of Workers' Compensation*

## PRESENTERS

**Craig Barry** graduated from California State University at Bakersfield. Mr. Barry began his insurance career at State Fund as an adjuster and payroll auditor. He has worked at the Division of Workers' Compensation for the past 15 years in a variety of capacities including disability evaluator, rehabilitation consultant, and workers' compensation compliance officer.

**Ronnie Caplane** graduated with Honors from the University of Wisconsin and received her J.D. from Hastings College of Law. Besides her law career, she has taught, is a published journalist and columnist, and is the current President of the Piedmont USD Board of Education. She is WCAB Commissioner in San Francisco.

**Bert Cohen** received his B.A. and J.D. from UC Berkeley. In 1982 he joined DWC as a workers' compensation judge in Oakland and is currently Presiding Judge at the Stockton Board. Bert received the CAAA/CDAA Workers' compensation Judge-of-the-Year in 1985 and was awarded a DWC Outstanding Employee plaque in 2000.

**Raymond Correio** is currently a Workers' Compensation Administrative Law Judge at the Santa Monica W.C.A.B. office. He graduated with honors from Chapman College. He received his J.D. from McGeorge School of Law, University of the Pacific. Prior to his appointment as a WCJ, he was a partner with the law firm of Correio, Wai & Connor.

**Janet Coulter** received her B.A. from State University College of N.Y. in 1974 and her J.D. from Southwestern School of Law in 1982. After 10 years in private practice, she joined DWC as a Workers' Compensation Administrative Law Judge at the Anaheim Board in 1991.

**Kathy Dervin** is a graduate from UCLA (B.A.) and the University of Michigan (M.P.H.). She has worked as a health educator since 1982. She joined DWC in 1993 as a Senior Health Consultant for the Managed Care Unit. She is the principal author of the Division's Employer's Guide to Workers' Compensation.

**Annalisa Faina** has been a Permanent Disability Rating Specialist with the Division of Workers' Compensation Disability Evaluation Unit in San Francisco for 14 years. She was appointed to Area Supervisor in 2004.

**David Henderson** received a double B.S. from the University of Oregon, a M.S. from Emporia State University and a Ph. D. from Oklahoma State University. He is currently a research specialist with the Division of Workers' Compensation. He taught at Ohio State University and was a professor at Ohio University.

**Peggy J. Huntsinger**, CPDM, ARM, WCCA is the Disability Manager for the County of Stanislaus in the CEO Risk Management Division. She has 20 years of insurance experience, 10 of which are in the area of risk management. With 5,000 employees, the county has an aggressive temporary modified duty accommodations program.

**Judy Faragasso** is a Senior Workers' Compensation Compliance Officer with the DWC Audit Unit. She is a graduate of California State University at Hayward (aka Cal State East Bay). Her state career began in 1976 with the Division of Industrial Accidents (aka Division of Workers' Compensation). She has worked with the Rehabilitation Unit, the Claims Unit, and with the Audit Unit since its inception in 1990. Judy was awarded a DWC Outstanding Employee plaque at the 1998 Educational Conference.

**Barry Goldman** is a graduate of the University of Connecticut (B.A.) and San Fernando Valley College of Law (L.L.B.). He has 25 years of experience practicing law. He was appointed to the Van Nuys WCAB as a judge in 1989 and was promoted to run the lien unit in 1995.



## PRESENTERS

**Scott Hague** is the president of CAL Insurance Associates Inc. in San Francisco, California. He is the Founder of Small Business California. He is a past and present member of many insurance related groups including the CIGA Board of Governors. He won the 2005 Media Achievement Award awarded by the Independent Agents and Brokers of the West and 2004 Lifetime Achievement Award issued by the San Francisco Small Business Network.

**Suzanne Honor-Vangerov** received her B.A. from California State University at Hayward. Her insurance career began with State Fund where she was a claims adjuster and vocational rehabilitation coordinator. Suzanne was an I&A officer in Van Nuys before transferring to I&A Headquarters. Sue supervised the Walnut Creek Call Center from 1999 to 2001. She was appointed Manager of the DWC Medical Unit in 2003.

**Bill Kahley** is program manager for DWC's Workers' Compensation Information System. Bill's academic background include earning a Ph.D. in Economics at Penn State. His experience in the workers' compensation industry has been as director of research at the National Council on Compensation Insurance and at the California Workers' Compensation Institute.

**Mark Kahn** graduated from Cal State Northridge (B.A.) and Southwestern Law School (J.D.). He began his Workers' Compensation career as State Fund attorney in 1978. He later became a workers' compensation judge (1981) and the Presiding Judge (1988) at the Van Nuys board. He was the Assistant Chief of DWC from 1992 to 1995. He is currently a Regional Manager for DWC.

**Christine King** is the Northern California Supervising Workers' Compensation Compliance Officer for the Audit Unit. A graduate of the University of Santa Clara, her state career began in 1966 as a State Fund adjuster. She was a private sector claims adjuster from 1984 to 1990. She has worked with the Audit Unit since its inception. Christine was awarded a DWC Outstanding Employee plaque at the 1998 Educational Conference.

**Barry Knight** has been a DEU Rater for 16 years. Prior to joining DWC, Barry was a claims adjuster for State Compensation Insurance Fund for 5 years.

**Robert Kutz** received his B.A. from UC Berkeley and J.D. from University of Pacific, McGeorge School of Law. His state service began in 1978 with State Fund as legal counsel. He was the Presiding Workers' Compensation Judge of the Eureka Board from 1992 to 1995 and was the Acting Assistant Chief of DWC from 1990 to 1992. He was a DWC Regional Manager. He is currently the PJ in Eureka.

**Cora Lee** graduated from Cal Poly with a B.A. She has 24 years of workers' compensation experience. Cora has worked for the Audit Unit since its inception and was appointed Area Supervisor in 1996. Cora was awarded a DWC Outstanding Employee plaque at the 1996 Educational Conference.

**Sharon Kaleta**, ARM, CPDM is co-founder, Chairman, and CEO of the California-based Disability Management Employer Coalition (DMEC) and has over 25 years of risk and benefits management. She has developed and implemented integrated disability/absence management programs for prior employers and has many years experience in all aspects of return to work initiatives. Sharon is a frequent speaker at national conferences; has contributed numerous articles on the subject of disability management and has been featured in Business Insurance and Risk & Insurance Magazine.

## PRESENTERS

**Blair Megowan** graduated from UCLA with a degree in Physical Sciences and Mathematics. He entered the workers' compensation field as a claims examiner for State Fund. At DWC he has worked as a Rehabilitation Unit Consultant and Supervisor. In 1993 he was appointed manager of the Disability Evaluation Unit.

**Joseph M. Miller** received his B.A. (with honors) from Harvard University, J.D. from UC Berkeley's Boalt Law School, and LLM from New York University. Mr. Miller is currently the chairman of Workers' Compensation Appeals Board in San Francisco. He has over 35 years of legal experience specializing in labor law, workers' compensation, and employment issues. A certified specialist in workers' compensation since 1973, he is co-author of California Workers' Compensation Practice, published by Continuing Education of the State Bar.

**James Neary** is an Executive Vice President with the State Compensation Insurance Fund. He is a member of State Fund's Executive Committee and is responsible for developing the Fund's reserve position, rate filings, and dividend policy as well as management oversight of the Legal, Fraud, and Actuarial Programs. He has worked for the State Fund for 31 years, serving in positions as Vice President, Actuarial Services Officer, Planning and Research Officer, Assistant Manager Insurance Services, Supervising Personnel Analyst, Assistant Claims Manager and Claims Adjuster. Mr. Neary holds an M.B.A. in Finance from UC Berkeley, an MDiv from St. Patrick's Seminary, and a B.A. from St. Patrick's College. He is also a Chartered Property Casualty Underwriter (CPCU) and a member of the CPCU Society.

**Carrie Nevans** is the deputy administrative director and acting A.D. for the Division of Workers' Compensation. Nevans started her career as a claims adjuster for the State Compensation Insurance Fund in 1982. She is a certified self insurance administrator and is fully versed in all the specifics of workers' compensation, as well as the ethics of claims administration. She joined the Department of Industrial Relations in 1999 and has managed the DWC administrative functions since 2003.

**Destie Overpeck**, Chief Counsel for the Division of Workers' Compensation, has worked as an attorney for the Division of Workers' Compensation since April 2000. Destie led the regulatory teams dealing with the supplemental job displacement benefits and the return to work regulations. Destie was admitted to state bar of California in December 1983 and graduated from Hastings College of Law in 1983.

**Merle Rabine** received a B.A. from Cornell University, M.A. in English from Stanford, and J.D. from the People's College of Law in Los Angeles. He was president of the California Applicant's Attorneys Association in 1988-89. He was a member of the Board of Directors of the Public Law Center of Orange County from 1988 to 2000 and was president of the board in 1993-95. Merle represented injured workers in workers' compensation cases for 20 years,

**James Robbins** received his B.A. in 1978 from UC Santa Barbara, M.P.A. from Golden Gate University and J.D. from the University of Pacific's McGeorge School of Law. He began his DIR career in 1984 as an attorney in the Office of the Director's Legal Unit. In 1990 he transferred to DWC's Legal Unit.

**Anne Searcy** received her B.A. from UC San Diego and M.D. from UC Davis. She is board certified in family practice and conducts FAA examinations. In 1993, she transferred to the Industrial Medical Council as an Assistant Medical Director.

## PRESENTERS

**Tess Snaer** has agriculture degrees from the University of the Philippines (B.S.) and Texas A&M University (M.S.). Her state career began in 1991 as an office assistant and then as a claims adjuster for UEF. She later became an I&A Officer at the San Diego board. In 1994 she transferred to DEU as a Disability Evaluator and was promoted to Supervisor for the Southern Region in 2000.

**Keven Star** was appointed by Gov. Arnold Schwarzenegger to the position of court administrator for the Division of Workers' Compensation. Since 2001 Star has served as deputy district attorney with the Sacramento District Attorney's Office where he worked directly with workers' compensation litigation and insurance fraud. Previously he was deputy district attorney for the Santa Clara County District Attorney's Office and senior trial counsel in the Judge Advocate General's Corps of the United States Army.

**Sherri Stevens**, CDMS, CPDM, has a B.A. in Sociology and M.A. in Psychology. She has 17 years of work experience in workers compensation vocational rehabilitation, return to work, FEHA and customer service. She works for Sedgwick, CMS as a program leader

**Gregory Trout**, ARM, is a Principal and Vice President of Bickmore Risk Services (BRS). He serves as Chief Operations Officer in charge of client services, marketing, consulting, and pool administration. Greg has served as the administrator for a wide variety of public and private non-profit pools. He also provides risk management consulting to various public and private sector employers, associations, and pools. Mr. Trout has a Master of Public Administration from California State University, Sacramento and BA from University of California, Santa Barbara.

**Bob Walensa** studied Aeronautical Engineering at the University of Illinois. He has more than 30 years of insurance experience. Bob has worked for the Audit Unit since its inception and was appointed Audit Unit Manager in 2003.

# ***DWC 14<sup>th</sup>*** ***Annual Educational Conference***

Dates for the  
14th Annual Educational Conference

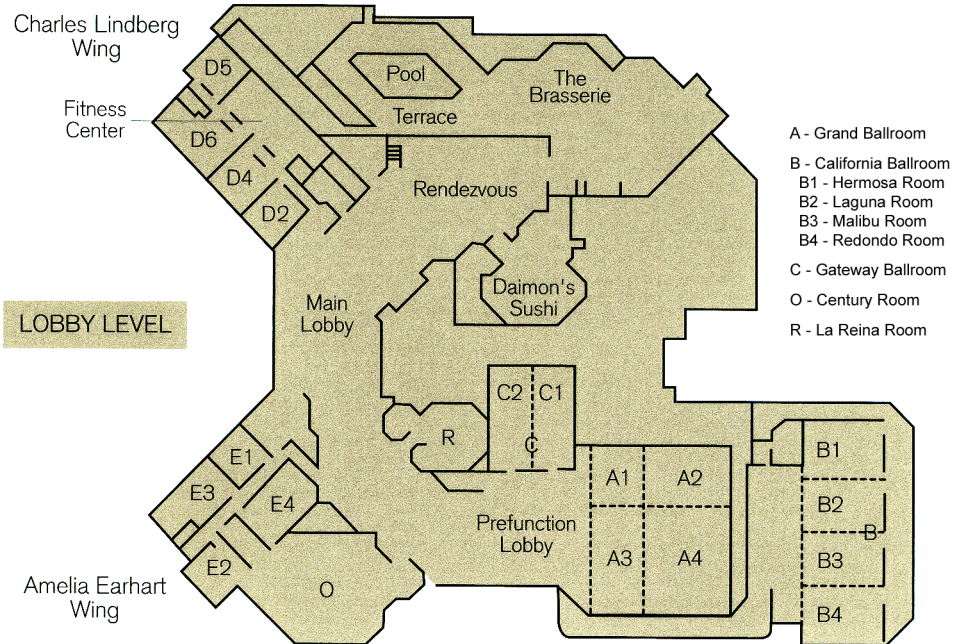
Los Angeles Sheraton February 21-22, 2007

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Oakland Marriot March 5-6, 2007

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## Los Angeles Airport Sheraton



## Oakland Marriott City Center

